

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In Re: Toyota Motor Corp. Unintended
Acceleration Marketing, Sales
Practices, and Products Liability
Litigation

This document relates to:

ALL CASES

CASE NO: ML 10-2151 JVS (FMOx)

ORDER NO. 14: SCHEDULE FOR
PHASE III DISCOVERY AND
BELLWETHER TRIALS

Having considered the parties' extensive briefing, the
Court now enters the following scheduling order:

I. Timetable Leading to Bellwether Trials.

Without presently deciding whether one of the first two bellwether
cases should be some form of economic loss class action, the Court adopts the
following schedule:

Event	First Bellwether Trial	Second Bellwether Trial
Trial	February 19, 2013	May 21, 2013
Pretrial Conference, hearing Motions <i>in</i> <i>Limine</i> ¹	January 14, 2013	April 22, 2013
Pretrial conference filings per Local Rules	January 7, 2013	April 15, 2013
Motions <i>in Limine</i> ²		
Last for hand serving Motions <i>in Limine</i> replies	January 3, 2013	April 8, 2013
Last for hand serving Motions <i>in Limine</i> oppositions	December 21, 2014	April 1, 2013
Last for hand serving Motions <i>in Limine</i>	December 7, 2012	March 18, 2013
Motion for Summary Judgment ³		
Last for hearing MSJ's, dispositive motions	November 5, 2012	Same
Last to hand serve MSJ replies	October 22, 2012	Same
Last to hand serve MSJ oppositions	October 8, 2012	Same

¹The Court will issue a separate order regarding the submission of jury instructions and verdict forms.

²The Court will issue a separate Order regarding its standard procedures for motions *in limine*.

³Depending on the subject matter of the second trial, separate dates may be appropriate.

Last to hand serve MSJs	September 17, 2012	Same
Daubert Motions⁴		
Daubert hearing	October 22, 2012	Same
Last to hand serve Daubert replies	October 8, 2012	Same
Last to hand serve Daubert oppositions	October 1, 2012	Same
Last to file Daubert motions	September 10, 2012	Same
Expert Discovery⁵		Same
Expert discovery cut-off	August 20, 2012	Same
Rebuttal/supplemental disclosures	July 16, 2012	Same
Initial disclosures	June 18, 2012	Same
Tutorial		
Technical Tutorial	December 10, 2011	Same
Phase III Discovery		
Completion on non-expert discovery	September 7, 2012	Same
Phase II Discovery		
Completion of Phase II document production ⁶	September 21, 201	Same

⁴Depending on the subject matter of the second trial, separate dates may be appropriate.

⁵Depending on the subject matter of the second trial, separate dates may be appropriate. To the extent that revisions or supplements to expert reports are appropriate in light of fact discovery taken after the filing of expert reports, the Court will consider applications for such relief.

⁶At the July 18, 2011 hearing, the Court will consider narrowing the scope of production in light of the parties' discussions following the June 10, 2011 hearing.

1 The Court believes that further elaboration of the discovery schedule
2 is needed with specific benchmarks, including:

- 3 • Specific dates for completing outstanding discovery.
- 4
- 5 • Specific dates for serving and responding to new requests for
- 6 production, interrogatories, requests for admissions.
- 7
- 8 • Specific dates for identifying deponents, scheduling depositions, and
- 9 windows for taking specific depositions or categories of depositions.
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11 Particular attention needs to be given to the discovery needs of the first bellwether
12 trials, and those requirements should be given priority.

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14 In addition, the parties shall consider means to streamline discovery in
15 light of the models identified by the parties in their bellwether designations.

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17 The Court will conduct a further scheduling conference on July 18,
18 2011 at 3:00 p.m. to take up these matters. The parties' joint or separate proposals
19 shall be submitted no later than July 13, 2011.

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21 II. Bellwether Selections.

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23 The conduct of a trial in the first quarter of 2013 will markedly
24 advance these proceedings. The Court believes that selection of a personal
25 injury/wrongful death case in most the likely type of case to meet that goal. The
26 Court designates Plaintiff's selection, Van Alfen v. Toyota Motor Sales, U.S.A.,
27 Inc. Case No. 2:11-cv-04143 JVS (FMOx) (C.D. Cal.), as the first trial.

1 Selection of a second case will be taken up in September when the
2 Court conducts a further scheduling conference on class actions issues. See infra.
3 If the second case is a personal injury/wrongful death action, the Court is
4 convinced following the hearing that the case should be Toyota's first choice, St.
5 John v. Toyota Motor Corporation, Case No. 4:10-cv-00075-CDL (M.D. Ga.).

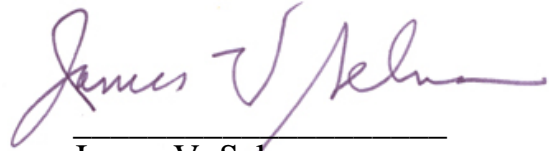
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7 III. Class Action Timetable

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9 The Court defers adopting a timetable for completion of discovery
10 relevant to class determination, and briefing and hearing motion(s) for class
11 certification. The Court believes that the parties ought to have an opportunity to
12 assess the Court's choice-of-law ruling and its impact on the prosecution of class
13 claims. (See Docket No. 1474.) The Court sets a further scheduling conference on
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1 class action issues for September 12, 2011 at 3:00 p.m. The parties shall submit
2 joint or separate proposals seven days in advance.

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4 IT IS SO ORDERED.

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6 Dated: June 10, 2011



7 James V. Selna
8 United States District Judge
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